

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 11-53 are pending in this application.

Rejection Under 35 U.S.C. §112:

Claims 20, 30 and 40 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The respective dependencies of claims 20, 30 and 40 have been corrected such that "said history points" has a proper antecedent basis.

Accordingly, Applicant respectfully requests that the rejection of claims 20, 30 and 40 under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. §102 and §103:

Claims 11, 13-15, 17-18, 21, 23-25, 27-28, 31, 33-35, 37-38 and 41-46 were rejected under 35 U.S.C. §102(a)/(e) as being anticipated by Kiraly et al (U.S. '731, hereinafter "Kiraly"). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Kiraly. For example, Kiraly fails to disclose a server computer sending a virtual character in the form of data to a client computer through a network, the sending of the virtual character having its figure changed based on the service history of the identified user.

Section 20 (page 12) of the Office Action alleges that this limitation is disclosed by col. 15, lines 59-66 of Kiraly. Applicant respectfully disagrees. Col. 15, lines 59-66 of Kiraly states the following:

“Upon arrival of the user 220 having the intelligent assistant 210 at his service, the intelligent assistant 210 can, after successful

verification of the licensee use the intelligent assistant 210 specific data, download a behavior file to become a toy salesperson, download new animation to resemble Geoffrey the Giraffe, and download the latest information about the toys available on the site.”

This portion of Kiraly discloses that the user’s own agent (intelligent assistant) has an appearance that can (presumably upon the user’s option) change to that of Geoffrey the Giraffe when the user accesses the Toys-R-Us website (assuming certain conditions such as a successful verification have been met). However, the change of appearance to the Geoffrey the Giraffe is not based on the service history of the identified user. That is, Kiraly fails to disclose a server computer sending a virtual character in the form of data to a client computer, the sending of the virtual character having its figure changed based on the service history of the identified user. This service history is stored by the server. (See, e.g., the “history storage means” of the server computer required by independent claim 11). Moreover, changing the virtual character to Geoffrey the Giraffe is clearly not based on the amount of usage of the services by a user as required by dependent claims 41-43.

Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §102 in view of Kiraly be withdrawn.

Claims 12, 19, 22, 29, 32, 39 and 47-53 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kiraly in view of Matsuda et al (U.S. ‘167, hereinafter “Matsuda”). Claims 16, 26, and 36 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kiraly in view of Plantec et al (U.S. ‘540, hereinafter “Plantec”). Claims 20, 30 and 40 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kiraly in view of Matsuda and further in view of Plantec. Applicant respectfully traverses these rejections. Claims 12, 16, 19 and 20 depend at least indirectly from

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independent claim 11, claims 22, 26, 29 and 30 depend at least indirectly from claim 21, and claims 32, 36, 39 and 40 depend at least indirectly from independent claim 31.

Accordingly, all of the comments made above with respect to Kiraly apply equally to these claims. Neither Matsuda and/or Plantec remedies the above described deficiencies of Kiraly. For example, while Matsuda shows a virtual pet image which may change appearance, there is no teaching or suggestion of the virtual character being sent from a server to a client in which the virtual character has its figure change based on the service history of identified user. Similarly, the combination of Kiraly and Matsuda fails to teach or suggest “selecting one of the plurality of categories based on respective scores associated with the categories of services, each respective score associated with one of the categories of services representing an amount of services in that category that have already been provided to the user,” and “transmitting the virtual character to the client computer based on the selected category and the selected level of that selected category,” as required by independent claim 47 and its dependents.

Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

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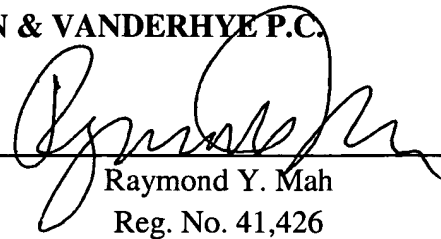
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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By: _____



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